

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

August 27, 2001

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, August 27, 2001, at 7:16 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Henry L. Richardson, Jr., Councilmember District No. 8; and Mr. D. Mark Stokes, County Attorney.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Regular Meeting of Berkeley County Council at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's pleasure on the Approval of Minutes for Public Hearings: (Quit Claim Deed), Bills Numbered 01-23, 01-24, 01-25 and 01-26; and Regular Council Meeting, July 23, 2001. Special Meeting of Council, July 30, 2001.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to approve the Minutes as stated.

Councilmember Crosby stated that he would like for the minutes of the Regular Council Meeting on July 23, 2001 be corrected to reflect that he voted "Nay" on the Bid for the Finlay 790 Trommel.

The motion passed by unanimous voice vote of Council.

Chairman Rozier asked for comments on any Ordinance that was up for Third Reading.

Mr. LeaMond stated Staff is recommending the following changes for Bill No. 01-27 that is to be adopted by Council: On Page 14:2 Council had asked that Section 14.5 be removed regarding Development Standards Near Watercourses, Bodies of Water,

and Wetlands. On Page 7:20, they recommend the removal of the setback for open storage from 2,640 feet. With the new buffering this would eliminate any concerns, plus if there is a smaller parcel that is Light or Heavy Industrial that would make it basically useless for that purpose.

Chairman Rozier stated an Executive Session was not needed; therefore, he read the Bills for Third Reading.

THIRD READINGS:

“BILL NO. 01-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #036-00-04-052.” (*Barbara O. Humbert*)

It was moved by Councilmember Vaughn and seconded by Councilmember Richardson to adopt Bill No. 01-27. The motion passed by unanimous voice vote of Council. (*A copy of Ordinance No. 01-8-33 is attached to these Minutes.*)

“BILL NO. 01-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #S ATTACHED TO THE ORDINANCE.” (*Residents of Chapparral Ranches, Creekside Acres, Forest Acres, Lakewood, and Marshall Acres Subdivisions*)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to adopt Bill No. 01-28. The motion passed by unanimous voice vote of Council. (*A copy of Ordinance No. 01-8-34 is attached to these Minutes.*)

“BILL NO. 01-29, AN ORDINANCE TO AMEND ORDINANCE NO. 99-4-19 THROUGH REVISIONS TO THE REGULATION OF THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; TO THE CREATION OF DISTRICTS FOR SAID PURPOSES AND THE ESTABLISHMENT OF THE BOUNDARIES THEREOF; THE DEFINITIONS OF CERTAIN TERMS USED HEREIN; AND THE PROVISION FOR THE METHOD OF ADMINISTRATION AND AMENDMENT.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to adopt Bill No. 01-29, as amended. The motion passed by unanimous voice vote of Council. (*A copy of Ordinance No. 01-8-35 is attached to these Minutes.*)

“BILL NO. 01-30, AN ORDINANCE TO AMEND THE BERKELEY COUNTY OPERATIONAL BUDGET (ORDINANCE NO. 01-6-19) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2001, AND TO

PROVIDE FOR LEVY REDUCING AD VALOREM PROPERTY TAXES TO THE AMOUNT OF FIFTY TWO AND ONE HALF MILLS.”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adopt Bill No. 01-30, as amended. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 01-8-36 is attached to these Minutes.)

Chairman Rozier stated there were twelve Bills for Second Reading.

“**BILL NO. 01-31**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #106-00-00-002.” (*Vera Junior Owens*)

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to approve Bill No. 01-31 for Second Reading. The motion passed by unanimous voice vote of Council.

Councilmember Spooner suggested that all of the remaining Zoning Bills for Second Reading combined into one motion; there was no objection.

SECOND READINGS:

“**BILL NO. 01-32**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #174-00-00-004.” (*Brown & Tharp LLC*)

“**BILL NO. 01-33**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #175-00-01-033.” (*Hazel M. Blackwell*)

“**BILL NO. 01-34**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #194-00-03-033.” (*Neville & Brenda Morgan*)

“**BILL NO. 01-35**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-02-053 & 54.” (*Lovell Investment, L. P.*)

“**BILL NO. 01-36**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH

CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #224-00-01-029.” (*Rebecca Smalls*)

“**BILL NO. 01-37**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-15-00-033 & 50.” (*William B. Dorn*)

“**BILL NO. 01-38**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-02-030.” (*Betty A. Franklin*)

“**BILL NO. 01-40**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-07-00-023.” (*Dilys M. Wright*)

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to approve the Zoning Bills numbered 01-32, 01-33, 01-34, 01-35, 01-36, 01-37, 01-38, and 01-40 for Second Reading.

Councilmember Mims asked in reference to Bill No. 01-32, would the racetrack fall under the Light Industrial zoning? Mr. LeaMond explained the Attorney was asked to research whether the grandfathering would lapse with the change in zoning reclassification. Councilmember Vaughn stated they didn’t expect it to go to Third Reading until the research is done.

The motion passed by unanimous voice vote of Council.

Chairman Rozier continued with the remaining Bills for Second Reading.

“**BILL NO. 01-39**, AN ORDINANCE TO AMEND ORDINANCE NO. 87-6-9 PROVIDING FOR THE CREATION OF THE BERKELEY COUNTY ACCOMMODATIONS TAX ADVISORY COMMITTEE, APPOINTMENT OF THE COMMITTEE MEMBERS, AND THE RULES AND REGULATIONS GOVERNING THE OPERATION OF THE COMMITTEE.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve Bill No. 01-39 for Second Reading.

Councilmember Mims asked would the members of the Committee remain? Mr. Stokes stated it does not affect the present membership but is for future appointments. He stated the term of appointments would be concurrent with the nominating Councilmember’s term.

The motion passed by majority voice vote of Council with Councilmember Davis voting “*Nay.*”

“BILL NO. 01-41, AN ORDINANCE TO AMEND ORDINANCE NO. 96-7-35 TO PROVIDE FOR A MODIFICATION OF THE AMOUNT OF FIRE FEES ASSESSED THROUGHOUT THE UNINCORPORATED AREAS OF BERKELEY COUNTY.”

It was moved by Councilmember Spooner and seconded by Councilmember Richardson to **reject Bill No. 01-41** for Second Reading. The motion passed by majority voice vote of Council to **reject** Bill No. 01-41 with Councilmember Davis voting “*Nay.*”

Chairman Rozier read the Bills for First Reading by title only and explained there is no vote or discussion on Bills for First Reading.

FIRST READINGS:

“BILL NO. 01-42, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #209-06-00-034, 209-06-00-026 & 033 AND TMS #209-06-00-035.” (*Elias Driggers, Harold C. Driggers, and Don Driggers*)

“BILL NO. 01-43, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #117-00-00-038.” (*Joseph E. Rudd*)

“BILL NO. 01-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #252-00-00-035.” (*Fusion Properties, LLC*)

“BILL NO. 01-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #252-00-00-002.” (*Griffith-Knapp Properties*)

“BILL NO. 01-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #252-00-00-003.” (*George E. Polk*)

“BILL NO. 01-47, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND TRITON PCS HOLDINGS COMPANY, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

“BILL NO. 01-48, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND DIBS-SUN, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Chairman Rozier read the four Resolutions.

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2001-2002 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 01-30 is attached to these Minutes.)

“RESOLUTION – WHEREAS: BERKELEY COUNTY WATER AND SANITATION AUTHORITY (‘UNIT’) HAS PREVIOUSLY DETERMINED TO UNDERTAKE A PROJECT FOR ONE (1) DIAMOND Z MANUFACTURING MODEL PWG-1460 BL, ONE (1) TROMMEL SCREEN AND OTHER MISCELLANEOUS EQUIPMENT AND VEHICLES, AND THE FINANCE OFFICER HAS NOW PRESENTED A PROPOSAL FOR THE FINANCING OF SUCH PROJECT.”

It was moved by Councilmember Crosby and seconded by Councilmember Davis to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 01-31 is attached to these Minutes.)

“RESOLUTION AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA, TO CONSENT TO THE ASSIGNMENT BY LIBERTY PROPERTY LIMITED PARTNERSHIP OF ITS INTEREST IN A REAL PROPERTY LEASE PURCHASE AGREEMENT PURSUANT TO A FEE-IN-LIEU OF AD VALOREM TAXES AND OTHER MATTERS RELATED THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 01-29 is attached to these Minutes).

“**RESOLUTION RELATING TO THE DECLARATION OF INTENT BY BERKELEY COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE BY THE COUNTY OF ITS TAX EXEMPT DEBT.**”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 01-32 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Steve M. Vaughn, Chairman.

Councilmember Vaughn stated the Committee met on August 20 and all matters before them have been taken care of on tonight's agenda.

COMMITTEE ON LAND USE, Councilmember Charles E. Davis, Chairman.

Councilmember Davis stated that many of the matters before them were taken care of on tonight's agenda.

Councilmember Davis moved to **deny** a request from Wendy Reynolds, 317 Briarpatch Lane, Summerville, TMS #209-06-00-024 (1.9 acres) from **F-1, Flexible District**, to **CG, General Commercial**. (No Second required.)

The motion to **deny** the request of Wendy Reynolds passed by unanimous voice vote of Council.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember William E. Crosby, Chairman.

Councilmember Crosby stated the Committee met on August 20.

Councilmember Crosby moved to approve the following for the Parallel Taxiway Rehabilitation and Extension Project: Schedule A be awarded to L-J Incorporated in the amount of \$678,193.50; and the contract for Schedule B be awarded to Grant Contracting, Inc., in the amount of \$54,000. (No Second required.)

The motion passed unanimous voice vote of Council.

Councilmember Crosby moved that the Pringletown Sewer Extension Project be awarded to Green Construction Company in the amount of \$960,976.30. (No Second required.)

The motion passed by unanimous voice vote of Council.

Councilmember Crosby moved that the Memorandum of Understanding be entered into with DRC for Debris Removal in the event of a disaster. (No Second required.)

The motion passed by unanimous voice vote of Council.

Councilmember Crosby moved that a pre-positioning contract be entered into with CDM Engineering Services to manage the contractor to make sure all FEMA guidelines are followed in the event of a disaster. (No Second required.)

The motion passed by unanimous voice vote of Council.

Councilmember Crosby moved that a pre-positioning contract be entered into with Davis & Floyd as an alternate. (No Second required.)

The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Milton Farley, Chairman.

Councilmember Farley stated the Committee met on August 13 and earlier this evening and many of the matters before them have been taken care of.

Councilmember Farley moved to **reject Bill No. 01-41**, an Ordinance to amend Ordinance No. 96-7-35 to provide for the modification of the amount of fire fees throughout the unincorporated areas of Berkeley County. (No Second required.)

The motion passed by majority voice vote of Council with Councilmember Davis voting "**Nay**."

COMMITTEE ON WATER AND SANITATION, Councilmember Henry L. Richardson, Jr., Chairman.

Councilmember Richardson stated the Committee met on August 13.

Councilmember Richardson moved to appoint the following persons to the Grievance Committee for the Berkeley County Water and Sanitation Authority with terms beginning September 24, 2001 and ending September 24, 2004: Brenda Heyward and David Mackey. (No Second required.)

The motion passed by unanimous voice vote of Council.

COMMITTEE ON PLANNING AND DEVELOPMENT, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on August 20 and all matters had been taken care of tonight's agenda.

There was no report from the **COMMITTEE ON COMMUNITY SERVICES**, Councilmember Judy C. Mims, Chairman.

There was no report from the **COMMITTEE ON HUMAN SERVICE**, Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Mims nominated Tom Ryan to the Berkeley County Library Board.

The Nomination passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE, UNFINISHED OR NEW BUSINESS.**

ANNOUNCEMENTS

Chairman Rozier announced that the next Regular Council Meeting would be held on Monday, September 24, 2001 at 7:00 p.m.

It was moved by Councilmember Vaughn and seconded by Councilmember Richardson to adjourn. The motion passed by unanimous voice vote of Council.

The Meeting adjourned at 7:35 p.m. Execution of documents.

PUBLIC DISCUSSION

Mr. Martin McDowell of 201 Pierre Court, Summerville, stated he was present to address Council on the interest of truck drivers parking their rigs at home. He stated there are eleven truckers that have a pending lawsuit with Berkeley County represented by David Popowski, their Attorney. It was his understanding that a parking time limit would have been brought before Council this evening; and at the end of that time limit the truck drivers listed in the lawsuit would not be allowed to park any longer.

Chairman Rozier stated that in light of the lawsuit they could not respond; when there is a lawsuit the Attorneys communicate. However, Council would consider what Mr. Popowski recommends but they cannot discuss the issue. Mr. McDowell stated he had informed Mr. Popowski that he was not a part of the five-year deal and he would appreciate Council's consideration.

S/Barbara B. Austin
Clerk to County Council

September 24, 2001
Date Approved